

08/082,328


**UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
08/082,328	06/24/93	KNIGHT	T 7828003

EXAMINER

SPARKS, D

ART UNIT PAPER NUMBER

2103

19

DATE MAILED: 12/24/96

 21M1/1224
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 1155 AVENUE OF THE AMERICAS
 NEW YORK NY 10036-2711

 This is a communication from the examiner in charge of your application.
 COMMISSIONER OF PATENTS AND TRADEMARKS
OFFICE ACTION SUMMARY
☒ Responsive to communication(s) filed on 9-9-96
☐ This action is FINAL.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

 A shortened statutory period for response to this action is set to expire 3 month(s) or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).
Disposition of Claims
☒ Claim(s) 1-28, 30-79, 102-200 AND 203-209 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☐ Claim(s) _____ is/are rejected.

☐ Claim(s) _____ is/are objected to.

☒ Claims 1-28, 30-79, 102-200 AND 203-209 are subject to restriction or election requirement.
Application Papers
☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.
Priority under 35 U.S.C. § 119
☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
Attachment(s)
☐ Notice of Reference Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

- SEE OFFICE ACTION ON THE FOLLOWING PAGES -

Art Unit:

DETAILED ACTION

The examiner acknowledges the applicant's submission of the amendment dated September 9, 1996 wherein the applicant amended claim 28 and introduced claims 206-209. At this point claims 29,80-101,201 and 202 have been cancelled per the applicant's remarks in the amendment dated September 9, 1996. The examiner would like to inform the applicant that the initial request to cancel claims 29,80-101,201 and 202 in the response dated June 14, 1995 was not recognized as an amendment because the applicant failed to properly identify that paper as an **election and an amendment** filed under 37 C.F.R. § 1.119. Thus, claim 28 has been amended, claims 29,80-101,201 and 202 have been canceled and claims 206-209 have been introduced in the instant application making claims 1-28,30-79,102-200 and 203-209 pending in the instant application. The Examiner also would like to inform the applicant that due to changes within the Office the following application has been examined by a different Examiner. The following action is taken so that the record is clear and both the Examiner's position and the applicant's position are properly set forth. Any inconvenience experienced by the applicant is sincerely regretted.

ELECTION OF SPECIES REQUESTED BY THE EXAMINER

Election/Restriction

1. This application contains claims directed to the following patentably distinct species of the claimed invention:

Art Unit:

<u>SPECIES</u>	<u>FIGURES</u>
I	1 and 2
II	3 and 4
III	5
IV	7
V	8
VI	9
VII	10-12B
VIII	13
IX	14
X	15
XI	16
XII	19
XIII	20A and 20B
XIV	22
XV	30, 31A and 31B
XVI	35
XVII	36
XVIII	37
XIX	38A and 38B

Art Unit:

Applicant is required under 35 U.S.C. § 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 1,28 and 102 appear to be generic.

Applicant is advised that a response to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 C.F.R. § 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. M.P.E.P. § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. § 103 of the other invention.

Art Unit:

Applicant is advised that for the response to this requirement to be complete it must include an election of the invention to be examined even though the requirement be traversed.

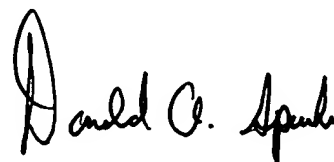
DIRECTION OF FUTURE CORRESPONDENCES

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donald A. Sparks who is normally available from **6:30 A.M. to 3:00 P.M. Monday thru Friday** and can be reached at the following telephone number: Area Code(703) 308-1756.

:IMPORTANT NOTE:

If attempts to reach the above noted Examiner by telephone are unsuccessful, the Examiner's supervisor, Mr. Leo P. Picard, can be reached at the following telephone number: Area Code(703) 308-0538.

Any inquiry of a general nature or relating to the status of the instant application should be directed to the Group receptionist whose telephone number is Area Code(703) 308-1782.



Donald A. Sparks
Primary Examiner
Art Unit 2103

December 20, 1996